IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4430 of 1999

with

SPECIAL CIVIL APPLICATION No. 4613, 3711, 8267, 8258,
8266, 9968, 3712 of 1999

with

SPECIAL CIVIL APPLICATION No 12933, 12934, 12935, 12936
12938,12939,12940,12941 of 2000

with

SPECIAL CIVIL APPLICATION No 5089 and 11137 of 2001

For Approval and Signature:

HON'BLE MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GANESHBHAI AMBALAL PATEL

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 4430 of 1999
and other matters referred to above.
MR JD AJMERA for Petitioner No. 1
GOVERNMENT PLEADER for Respondent No. 1-3
RULE SERVED for Respondent No. 4

CORAM : HON'BLE MR.JUSTICE H.K.RATHOD

Date of decision: 08/10/2003

COMMON ORAL JUDGEMENT

Heard learned advocate Mr.J.D.Ajmera on behalf of the petitioners and learned Government Pleader Mr.A.D.Oza for respondents - State Authorities.

When this group of matters are taken up for hearing, learned advocate Mr.J.D.Ajmera has placed on record a copy of the Judgment rendered by the Division Bench of this Court in Letters Patent Appeal No.788 / 1998 and the Government Resolution dated 6th April, 2002 which has been forwarded vide letter dated 10th April, 2002 and the same are taken on record.

This group of petitions filed by the petitioners who were serving as the Assistant Teacher with the respondent School. It is their case that they were S.S.C. and Senior P.T.C. and they have retired after 1st January, 1997. The petitioners have relied upon the decision of this Court in Special Civil Application No.3635 / 1982 dated 18th January, 1997 and order of the Division Bench of this Court in Letters Patent Appeal No.788 / 1998 dated 31st July, 2001, so also, the Government Resolution dated 10th April, 2002 and 6th April, 2002. According to the case of the petitioners, they have retired after 1st January, 1997 and therefore, their case is covered by the Government Resolution dated 6th April, 2002 which has been forwarded to the District Education Officer by the State Government vide letter dated 10th April, 2002. Therefore, learned advocate Mr.Ajmera has submitted that the petitioners are covered by the condition incorporated in the Resolution and the respondents are required to finalise the case of the pension of each petitioner if till date not finalised by the respondents.

In view of this fact, it is directed to the respondents to process the case of the petitioners for

pensionary benefits whose case is covered by the Government Resolution dated 6th April, 2002 which came to be forwarded by letter dated 10th April, 2002 to the District Education Officer and so far if it is not finalised by the respondents, then, it is directed to the respondents to finalise the case of each petitioner within four months from the date of receipt of copy of this order. If case of the petitioners is accepted by the respondetns, then, it is directed to the respondents to take effective steps in the matter for granting pensionary benefits and consequent payments thereof to the petitioner accordingly.

In view of above observations and directions, all these petitions stand allowed. Rule issued in each petition is made absolute to the extent indicated above with no order as to costs.

Date : 8.10.2003 [H.K.Rathod, J.]

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